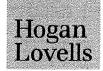
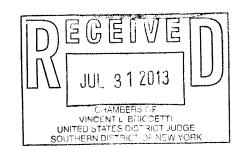
Clark is instructed to docket

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July 31, 2013

By Facsimile

Hon. Vincent L. Briccetti **United States Courthouse** 300 Quarropas Street, Room 630 White Plains, New York 10601

We are co-counsel to defendants Wells Fargo Bank, N.A. and Wells Fargo Insurance, tric (together, "Wells Fargo") in the above-referenced action. To the extent the Court of Plaintiff's Notice of Supplemental Authority in Further Opposition to Dismiss," filed on July 24, 2013 (the "Notice") \[\frac{1000}{1000} \]

The Notice appears

The Notice appends two cases: Leghorn v. Wells Fargo Bank, 2013 WL 3064548 (N.D. Cal. June 19, 2013), and Lane v. Wells Fargo Bank, 2013 WL 3187410 (N.D. Cal. June 21, As briefly set forth below, Leghorn should not guide the Court, and Lane is irrelevant.

Leghorn adhered to earlier decisions that refused to dismiss the "backdating" and "kickback" Wells Fargo's reply (at 3, 5-6, 8 n.14) explained why those decisions are incorrect—explanations that apply with equal force to Leghorn. Moreover, after careful consideration, a subsequent decision from the same district dismissed the "backdating" theory with prejudice. Cannon v. Wells Fargo Bank, 2013 WL 3388222 (N.D. Cal. July 2, 2013). Finally, Leghorn applied California, not New York, law, and did not involve RICO or fiduciary duty claims.

Lane refused to certify a nationwide class of borrowers and instead certified only a narrow class of California borrowers with a particular form of mortgage. Lane is irrelevant to this dismissal motion, which involves an entirely different legal issue—failure to state a claim.

Thank you for Your Honor's consideration.

Respectfully submitted,

Lesa J. Tried In Lisa J. Fried

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Hon. Vincent L. Briccetti

- 2 -

July 31, 2013

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